

AMENDED IN ASSEMBLY MAY 4, 2000
AMENDED IN ASSEMBLY MARCH 30, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2804

Introduced by Assembly Member Papan
(Coauthor: Assembly Member Shelley)

February 28, 2000

An act to add Section 1160 to the Evidence Code, relating to evidence.

LEGISLATIVE COUNSEL'S DIGEST

AB 2804, as amended, Papan. Evidence: admissibility.

Existing law provides for the inadmissibility of certain evidence as a matter of public policy.

This bill would provide that *portions of* statements, writings, or benevolent gestures expressing sympathy or a general sense of benevolence relating to the pain, suffering, or death of a person involved in an accident and made to that person or to the family of that person shall be inadmissible as evidence of an admission of liability in a civil action; and would set forth specified definitions. *However, a statement of fault which is part of or in addition to any of the above would not be inadmissible.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1160 is added to the Evidence
2 Code, to read:

3 1160. (a) ~~Statements~~—*The portion of statements,*
4 *writings, or benevolent gestures expressing sympathy or*
5 *a general sense of benevolence relating to the pain,*
6 *suffering, or death of a person involved in an accident and*
7 *made to that person or to the family of that person shall*
8 *be inadmissible as evidence of an admission of liability in*
9 *a civil action. A statement of fault, however, which is part*
10 *of, or in addition to, any of the above shall not be*
11 *inadmissible pursuant to this section.*

12 (b) For purposes of this section:

13 (1) “Accident” means an occurrence resulting in
14 injury or death to one or more persons which is not the
15 result of willful action by a party.

16 (2) “Benevolent gestures” means actions which
17 convey a sense of compassion or commiseration
18 emanating from humane impulses.

19 (3) “Family” means the spouse, parent, grandparent,
20 stepmother, stepfather, child, grandchild, brother, sister,
21 half brother, half sister, adopted children of parent, or
22 spouse’s parents of an injured party.

